

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 12, 1955

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

Roll call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by DR. DAS KELLY BARNETT, Episcopal Theological Seminary.

Pledge of Allegiance to the Flag.

Three students from the Civics Class from Stephen F. Austin High School were greeted and welcomed.

Councilman Long asked that the Council unanimously consent to having her vote recorded on the Giesecke zoning application. The Mayor stated it could not be recorded as she was not present at the time the roll call was taken. Councilman White then moved that the Minutes of May 5th and Special Meetings of March 29th, March 30th, April 4, and May 2nd, be approved. The motion seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Nees: None

MR. JACK ADAMS, representing just a few of the many friends of the Council, and especially the two retiring members, COUNCILMAN TED THOMPSON and MAYOR C. A. McADEN, expressed the high esteem in which they were held by so many thousands of people; stated they had done a great job for Austin and had served well and faithfully and sacrificially; and presented them with a Cashiers' check to be shared with their wives. MR. LEONARD LUNDGREN read a resolution adopted by the Austin Junior Chamber of Commerce expressing appreciation of

the services of the Council and particularly to the retiring members, and he presented them a gift of appreciation. Mayor McAden expressed gratefulness to the personnel who helped operate the city government during the past two years, to the Department heads for their support and cooperation; to the individual members of the many committees that had helped with the many tasks that the Council had to face, to the gentlemen of the press, radio and television; and to the new Council. Councilman Thompson thanked the two groups for their words of commendation and for their gifts. The Mayor believed the Council had come up with the right solutions, and stated his pleasure in serving with the Council. Councilman White too had been happy to serve with the Mayor and Councilman Thompson and regretted parting. Councilman Long stated the Mayor had cooperated with the Council as much as anyone she had ever worked with in any organization and felt that at anytime the Council called on him for help that he would be right there to render his assistance; and that she had enjoyed serving with Mr. Thompson and that he had been a good sport and a good member on the Council. Councilman Pearson felt that this Council would be calling on these two for their advice all along. Councilman Thompson stated that this Council had attacked some very controversial issues and provided solutions that would be of great benefit to the City, although through the public hearings and proceedings there were divided opinions and high emotions. He said that through his association with the other members, he had gained much experience and education, and he appreciated serving with them these past two years.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF AUSTIN; DETERMINING THAT THE COSTS THEREOF SHALL BE BORNE BY THE ABUTTING PROPERTY OWNERS; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL ON APRIL 28, 1955, AND RECORDED IN ORDINANCE BOOK "U", OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT ON LOT 30, COLLEGE COURT, LOCALLY KNOWN AS 2905-2907 DUVAL STREET AND 501 BELLEVUE PLACE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Regarding the B. E. Giesecke zoning ordinance, Councilman Thompson inquired of any legal aspects of the petition filed under Section 31(b) of the Zoning Ordinance. MR. GRADY CHANDLER, representing the opposition, filed two other protests, which he stated were to conform to the State Statutes, and stated he had filed the protests complying to both the Zoning Ordinance and the Statutes and asked that these be considered. The City Attorney explained the Council's position in this matter in detail. Mayor McAden then introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE
PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN,
TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE
BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE
RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS
AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING
ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH
A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL,
APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES
301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF
THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE
HEREBY CHANGING THE USE DESIGNATION FROM "A"
RESIDENCE DISTRICT TO "BB" DISTRICT ON LOTS 43
AND 45, BLOCK 4, ALDRIDGE PLACE, LOCALLY KNOWN
AS 3301-3307 GUADALUPE STREET, 505-507 WEST 34TH
STREET AND 504-506 WEST 33RD STREET, IN THE CITY
OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE
IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY
ORDERED; AND SUSPENDING THE RULE REQUIRING THE
READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Thompson, White, Mayor McAden
Noes: Councilmen Long, Pearson

The Council received a tabulation of bids for four tracts of land as follows:

	J.A.Joseph	R.E.Leigh	Burke Matthews	A.C. Thompson
1. Tract No.1-Portions of Lots 20,21,22,and 23, Block E,R.C.Lambie's Resubdivision of Voss Addition with no improvements,which Lot 23 was formerly known as 1104 Flores.	\$10,501.00	\$8,888.88		\$7,550.00
	Humble Oil & Refining Co.	Johnny Joseph	Odas Jung	C.V. Millican
	\$15,275.00	\$13,666.00	<u>\$20,268.00</u>	\$10,650.00 (Conditional Bid)
2. Tract No.2-Portions of Lots 6 and 7,Block E, R.C.Lambie's Resubdivision of Voss Addition with no improvements, which Lot 7 was formerly known as 1013 Clermont St.	R.E. Leigh	Johnny Joseph	Odas Jung	
	\$4,444.44	<u>\$4,650.00</u>		\$4,100.00
3. Tract No.3-Portions of Lots 3,4 and 5,Block B, R.C.Lambie's Resubdivision of Voss Addition with no improvements, which Lot 5 was formerly known as 1008 Clermont St.	R.E.Leigh	Johnny Joseph		
	\$7,777.77	<u>\$8,650.00</u>		
4. Tract No.4-Lot 1,Block 1, Fruth Addition, less west 18.5 feet, together with improvements thereon, which lot is commonly known as 2701 Guadalupe St.	R.E. Leigh	Burke Matthews		
	\$5,555.55	<u>\$20,100.00</u>		

Councilman Pearson believed that the property on the Interregional Highway, if properly zoned, would bring in more money, and he would not have voted to put this property up for sale had he been present at the time. The Guadalupe property was too low for what was invested in it, and he believed the Interregional Highway property should be held up for proper zoning. Councilman Thompson asked that the new Council study the property and develop a plan of sale. Councilman White was favorable to getting the bids on these properties with the Council's right to reject or accept the bids. He favored accepting the \$20,268.00 on the 1104 Flores Street property and rejecting the others; but if the Council were going to wait for rezoning, for it to get busy and

rezone it. Councilman Long thought it may bring more in the future if it were rezoned. Councilman Thompson moved that the Council decline all of these bids and return the earnest money checks, and that the new Council proceed with caution and prudence and prepare a sales plan for these surplus properties. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White*

Noes: Mayor McAden**

*Councilman White made the following statement regarding his vote:

"Before anything else is ever offered it is going to be rezoned commercial where it needs to be."

**The Mayor made the following statement regarding his vote:

"We offered it for sale; and when the high bid is reasonably in line, we ought to accept it."

Mayor McAden brought up the following zoning application deferred from last week:

PHILLIP BASHARA

Red River & 45th St.

From "A" Residence
To "LR" Local Retail
NOT Recommended by the
Planning Commission

Mr. Wayne Golden represented the applicant. Opposition was expressed by R. W. FRANKE, 1005 East 45th Street on no need; ORAN MILLS, 1005 East 44th on desire to keep the neighborhood residential; JOSEPH BLANKENSHIP, 908 East 51st; MRS. JOE CATHEY, 1001 East 45th, and MRS. R. W. FRANKE, all in the interest of keeping the neighborhood residential. The Mayor asked those who wished to uphold the recommendation of the Plan Commission and deny the application to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: None

Noes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

The Mayor announced that the change had been granted.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE
PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN,
TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE
BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE
RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS
AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING
ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH
A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23
1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE,

OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT ON A TRACT OF LAND LOCALLY KNOWN AS 900-910 ELLINGSON LANE, 4407-17 RED RIVER AND 901-11 EAST 45TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Pursuant to published notice thereof the following zoning application was publicly heard:

HENRY J. SASSE, et al	1301-07 & 1401-13 Winsted Lane; 1300-16 & 1400-12 Saybrook Lane; 2001-05 Enfield; 2000-06 Waterston	From "A" Residence To "BB" Residence RECOMMENDED by the Planning Commission with recommendation
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Discussion covered recommendation of Plan Commission on right-of-way to widen the street. The Mayor asked those who wished to uphold the recommendation of the Plan Commission (without imposing the recommended street widening upon the property) to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the change had been granted.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT ON BLOCK 1, WESTFIELD A, LOCALLY KNOWN AS 1301-1307 AND 1401-13 WINSTED LANE, 1300-16 AND 1400-12 SAYBROOK LANE, 2001-05 ENFIELD ROAD, AND 2000-06 WATERSON STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain public utility easement, five (5) feet in width, was dedicated as to a part of Lot 7 of Block C of Highland Park West, Section 2, a subdivision of a portion of the Thomas J. Chambers Survey, in the City of Austin, Travis County, Texas, on the map or plat of said Highland Park West,

Section 2, of record in Book 6, at page 133, Plat Records of Travis County, Texas; and,

WHEREAS, the owner of said lot has requested the City of Austin to release the hereinafter described public utility easement; and,

WHEREAS, said public utility easement is not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a release of said public utility easement located on the following described property, to wit:

The west forty (40) feet of the south five (5) feet of Lot 7, Block C, of said Highland Park West, Section 2, in the City of Austin, Travis County, Texas.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in WEST 49TH STREET, from a point 201 feet east of Bull Creek Road, easterly 192 feet to a point 16 feet west of Finley Drive, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WEST 49TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in RAILROAD STREET, from a point 247 feet south of Rosewood Avenue southerly 136 feet, the centerline of which gas main shall be 6 feet west of and parallel to the east property line of said RAILROAD STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in MERRIE LYNN AVENUE, from a point 166 feet south of Clarkson Avenue, northerly 120 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said MERRIE LYNN AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in EAST 5TH STREET, from a point 551 feet east of Matamoras Street, easterly 112 feet, the centerline of which gas main shall be 14.5 feet north of and parallel to the south property line of said EAST 5TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Nees: None

Mayer McAden brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF TWO (2) TRACTS OF LAND, EACH BEING OUT OF AND A PART OF HIGHLAND PARK WEST, SECTION 4, A SUBDIVISION OF A PORTION OF THE T. J. CHAMBERS SURVEY IN TRAVIS COUNTY,

TEXAS, THE TRACT OF LAND HEREINAFTER DESCRIBED AS NO. 1 CONTAINING 15.2 ACRES, MORE OR LESS, AND THE TRACT OF LAND HEREINAFTER DESCRIBED AS NO. 2 CONTAINING 0.18 OF ONE ACRE, MORE OR LESS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McAden brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 12.14 ACRES OF LAND, MORE OR LESS, OUT OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Pearson introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6, of the Charter:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 134 ACRES OF LAND, MORE OR LESS, OUT OF THE JAMES P. WALLACE SURVEY, THE DINSMORE SIMPSON SURVEY AND THE THOS. ELDRIDGE SURVEY, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Long introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6, of the Charter:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 45.4 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY P. HILL LEAGUE NO. 21, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

(Substituting this for the one introduced May 5, excluding land of other property owners not desiring to be annexed)

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Frank R. Rundell is the Contractor for the erection of a building located at 600 West 6th Street and desires a portion of the sidewalk and street space abutting Lot 4, Block 75, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Frank R. Rundell, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the north east corner of the above described property; thence in an easterly direction and at right angles to the center line of Nueces Street to a point 12 feet east of the west curb line; thence in a southerly direction and parallel with the centerline of Nueces Street approximately 128 feet to a point; thence in a westerly direction and at right angles to the centerline of Nueces Street to the south east corner of the above described property.

Thence in a southerly direction and at right angles to the centerline of West 6th Street to a point 12 feet south of the north curb line; thence in a westerly direction and parallel with the centerline of West 6th Street approximately 43 feet to a point; thence in a northerly direction and at right angles to the centerline of West 6th Street to the south line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Frank R. Rundell, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City Officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials equipment and other obstructions shall be removed not later than September 15, 1955.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Troy Ragland is the Contractor for the alteration of a building located at 119-a West 8th Street and desires a portion of the sidewalk and street space abutting Lot 7, Block 83, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Troy Ragland, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at a point on the north property line approximately 33 feet west of Bradford Alley; thence in a northerly direction and at right angles to the center line of West 8th Street to a point 12 feet north of the south curb line; thence in a westerly direction and parallel with the center line of West 8th Street approximately 30 feet to a point thence in a southerly direction and at right angles to West 8th Street to the north line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Troy Ragland, hereinafter termed "Contractor", upon the following express

terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City Officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades and on the parking meters between the barricades and Bradford Alley.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalks, barricades, materials, equipment and other obstructions shall be removed not later than July 15, 1955.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Nees: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a deed on behalf of the City of Austin conveying to Joe K. Murchison, for and in consideration of the payment by the said Joe K. Murchison to the City of Austin of the consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the following described property, to wit:

2498 square feet of land, same being out of and a part of Lot 3, Block 12 of a resubdivision of Shoalmont Addition, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas; a map or plat of the said resubdivision of Shoalmont Addition being of record in Book 4 at page 9, Plat Records of Travis County, Texas, which Lot 3, Block 12 was conveyed to the City of Austin by warranty deed dated March 25, 1955, of record in Volume 1560 at page 246 Deed Records of Travis County, Texas, which 2498 square feet of land is more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of the said Lot 3, Block 12 of a resubdivision of Shoalmont Addition;

THENCE, with the south line of Lot 3 and the north line of Hancock Drive N. $51^{\circ} 22'$ W. 19.80 feet to a point;

THENCE, with a line fifteen (15.00) feet west of and parallel to the west line of Lot 2 N. $2^{\circ} 07'$ W. 158.90 feet to a point in the proposed south

line of North Loop Boulevard, said point being a point in a curve whose angle of intersection is $11^{\circ} 13'$ whose tangent distance is 240.76 feet and whose radius is 2451.74 feet;

THENCE, following said curving south line of North Loop Boulevard to the left an arch distance of 15.17 feet the sub-chord of which arc bears $N 79^{\circ} 17' E.$ 15.17 feet to a point in the west line of the said Lot 2;

THENCE, with the west line of Lot 2, $S. 2^{\circ} 07' E.$ 174.07 feet to the Point of Beginning.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

No action was taken on the ordinance appropriating funds for construction costs to serve new utility customers, and the matter was laid over until next week. The City Manager explained that funds had been set up to provide for 2400 new customers; and up to May 1st, 1750 had been connected, and there appeared to be no change in the trend, and there would probably be over 3,000 customers instead of 2400. By the end of the month, the money will have run out.

The City Manager explained the proposal of L.E. BELDING to exchange land at Riverside Drive, the settlement of a law suit, and the advantages of the city in other rights it would have in the exchange of this property. Action was postponed until the following week.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has heretofore found it necessary to expand and improve the sanitary sewage facilities of the City, and has determined that the land in the Reuben Hornsby League in Travis County, Texas, known as the Wattinger farm, is suitable for the construction of an oxidation system; and,

WHEREAS, after negotiating with the owners of said land and being unable to purchase said Wattinger farm from the owners thereof, the City Council directed that the same be acquired under the power of eminent domain, whereupon the City of Austin has now filed its petition in eminent domain, being Cause No. 150 in the County Court of Travis County, Texas, styled City of Austin v. Eugenia Wattinger, et al; and,

WHEREAS, it is advantageous to the City of Austin to settle the controversy existing between the parties to said suit, and to that end to contract with said parties; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager, W. T. Williams, Jr., be and he is hereby authorized to execute a contract with the owners of said land by the terms of

which the City of Austin will pay to such owners the sum of One Hundred and Twenty Thousand Dollars (\$120,000.00) upon delivery of a warranty deed conveying said land to the City of Austin in fee simple, but reserving to the Grantors an equal undivided one-half of the oil, gas and other minerals therein, provided, however, that the grantor's right to explore for, develop and produce oil, gas or other minerals shall be conducted in such manner as will not interfere with the efficient use of the property by the City of Austin for sewerage disposal or other municipal purposes.

The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman White reported a request from MR. BILL TAYLOR, Junior Chamber of Commerce, for permission to train teenagers to park cars and using Barton Springs. The Director of Recreation had suggested that they use the Butler Tract; and if it were not suitable to check back with him. Mr. Taylor had not checked back. The Mayor asked that Councilman White look into Mr. Taylor's request and help him get it straightened out.

The City Manager submitted the following:

"May 11, 1955

"MEMO TO: W. T. Williams, Acting City Manager
MEMO FROM: J. C. Eckert, Building Inspector

"I have the request of the G.F.B. Construction Company asking that they be permitted to continue the barricades in the streets at the southwest corner of West 9th Street and Colorado Street until May 24th, 1955.

"They explained that the demolition work is practically completed, but that it is necessary to use heavy equipment to remove the debris and to cut down the lot to street grade which would take about two weeks.

"Since the permission to use the street as granted by the City Council on March 3rd has expired, I would recommend that their request be granted and that the barricades be permitted to remain another two weeks for the protection of the public.

"(Sgd) J. C. Eckert,
Chief Building Inspector"

Councilman Long moved that this request be granted as submitted until May 24th, 1955. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None.

Recessed Meeting

2:00 P. M.

The Council heard the appeal of the American Cancer Society to solicit funds. MR. TOM DAVIS, Attorney, represented the Cancer Society. Members of the Society were present. After detailed discussion, Councilman Pearson moved that the application be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Long moved that this campaign be started on May 16th as requested. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The City Manager inquired of the Council if it had given any consideration to the report of the Planning Consultant, and stated that the Consultant would like to have the individual member's comments and suggestions.

Councilman White moved that the East Austin Assembly of God be granted permission to use the Coliseum Grounds from June 19th to July 10th, at a fee of \$5.00 per day or a minimum fee of \$25.00. The motion, seconded by Councilman Long, carried by the following vote:

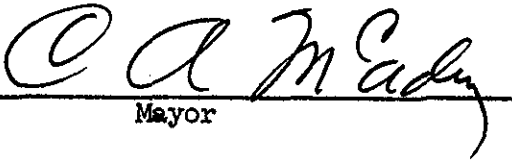
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Long moved that the paving of KAREN AVENUE from Arroya Seca to Woodrow Avenue be authorized. The motion, seconded by Councilman Pearson, carried by the following vote:

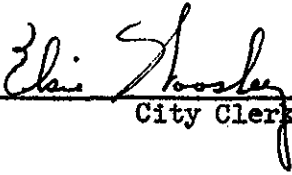
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

There being no further business the Council adjourned at 4:00 P. M.
subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk